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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,491	01/07/2002	Taizou Aoki	54024-038	3545

7590 07/12/2005

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/036,491	Applicant(s) AOKI ET AL.	
	Examiner Yogesh K. Aggarwal	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/29/05, 01/07/02</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of claims 1-7, 14, 18-21 in the reply filed on 04/04/2005 is acknowledged.
2. Claim 21 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. This claim was not withdrawn when the election of first species corresponding to figure 16 was made as this belongs to the third species corresponding to figure 20.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 14, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al. (US Patent # 6,192,191) in view of Anderson et al. (US Patent # 6,765,612).

[Claims 1, 6, 18]

Suga et al. teaches a data communication terminal (camera, figure 17) having an image recording unit (1706) that records images as files (col. 16 lines 43-44). An ID number is recorded for each image based upon the total number of images captured (col. 16 lines 44-48). Suga further teaches that when a copied image 1902 of an original image 1901 and another image 1903 are displayed, even if they are same images (resemble in appearance) they can be identified with different ID numbers (col. 16 lines 49-56, figures 19A-19C discloses different ID numbers 1911, 1912, and 1913). Suga et al. also teaches transmitting these images from the camera to a recording medium

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of the PC that may be a server etc. (col. 16 lines 57-65) but fails to teach wherein the new file name has a characteristic part indicating that said new file subjected to file-sending.

However Anderson teaches a file naming system in which each image name is eight characters in length, and includes a prefix 432, and an image number 434 (col. 6 lines 1-9, figure 7). Anderson also teaches that every image captured by the camera, whether new or old, that is transmitted to a computer is given a unique name (different image number for each image file, col. 6 lines 21-35) and therefore reads on wherein the new file name has a characteristic part indicating that said new file is subjected to file-sending.

Therefore taking the combined teachings of Suga and Anderson, it would be obvious to one skilled in the art to have been motivated to have been used a different characteristic part (image number and image prefix, wherein image number is different) for indicating a unique name to each file while transferring data to a computer into the system of Suga having different Ids for the same images in order to significantly reduce naming conflicts when transferring images to or from a computer and a camera as taught in Anderson (col. 6 lines 22-25).

[Claims 2, 19]

Anderson discloses in figure 8 images whether new or old having a common prefix IM.

[Claim 3]

Anderson teaches an image number 434 that is unique and updated for each image file that is transferred between a camera and a computer (figure 7, image number and image prefix form the characteristic part in which an image number is different).

[Claim 4]

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Suga teaches that a copied image 1902 of an original image 1901 and another image 1903 are displayed, even if they are same images (resemble in appearance) they can be identified with different ID numbers (col. 16 lines 49-56, figures 19A-19C discloses different ID numbers 1911, 1912, and 1913). Anderson discloses having different image numbers 434 for each image whether it is new or old (col. 6 lines 21-26). Therefore Suga and Anderson in combination disclose an updated file number part for the same file used for transmission.

[Claim 5]

Suga teaches that a directory may have a plurality of record blocks having a plurality of captured image files that can be transmitted from a camera to a PC (col. 16 line 59-col. 17 line 7, figures 19 and 20). Anderson teaches having a common prefixes for all the images (e.g. IM).

[Claims 7 and 20]

Anderson and Suga teach that the original file is an image file while Anderson teaches that file names files are given a name according to a certain rule (col. 6 lines 1-10).

[Claim 14]

Computer program storing claim 14 corresponds to apparatus claim 1 and 18 and is therefore analyzed and rejected the same as previously discussed with respect to apparatus claims 1 and 18 respectively.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

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5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

July 7, 2005



DAVID L. OMETZ
PRIMARY EXAMINER